IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1135 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HOTEL KARNAVATI

Versus

C M PARMAR

Appearance:

MR MUKESH R SHAH for Petitioner No. 1

MR GIRISH M DAS for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 01/02/2002

ORAL JUDGEMENT

Rule. Mr.Girish M.Das, learned advocate appearing for the respondent waives service of the rule.

2. Mr.Shah, learned advocate appearing for the

petitioner management submitted that the award is passed on 9.4.2001 without taking into consideration the facts of the case. On perusal of the award it is found that the same consists of two paragraphs only. In the first para the facts regarding reference being made, demand of the respondent workman and that the representative of the petitioner management is not present is recorded. The second para, which is smaller in size than the preceding one is the operative part of the award, it records that within thirty days from the date of publication of this award in the Government Gazette the respondent workman should be reinstated on his original post with full back wages treating his service to be continuous one. It is then stated in the order that if the petitioner management fails to comply with the award of the Labour Court it will be liable to pay penal interest at the rate of 18 % per annum and cost of Rs.500/-, is awarded.

3. Brevity may be virtue, but excess of anything is bad. Therefore, this award which does not give any details of either the case of the respondent workman or that of the petitioner management cannot be allowed to stand. In the result the impugned award, Exhibit 'D' is quashed and set aside. The matter is remanded to the Labour Court, Ahmedabad with a direction that the same should be given priority and decided as expeditiously as possible, but not later than six months from the date of receipt of copy of this order.

4. The petition is disposed of with the above observations. Rule is made absolute to the aforesaid extent. No order as to costs.

(Ravi R. Tripathi, J.)

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